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IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
WEDNESDAY, THE SIXTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE G. BIKSHAPATHY
and
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT APPEAL NO : 924 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 25/05/2004 in WP NO : 9347 OF 2004 on the file of the High Court.)

Between:

M/s Saleem Metal Industries, Proprietary Concern Having a Stones Crushing Unit, Kokapet (V)
Rajendernagar (M), Ranga Reddy Dist, Rep. by its Proprietor Sri Mohd, Haroon Ansari, S/o Mohd. Farooq Ansari,age 49 yrs, having its office at 12-2-825/7, Ansari Complex, Mehdipatnam, Hyderabad- 500 028.

..... APPELLANT

AND

1 The Commissioner for Workmen's Compensation Authority & Assistant Commissioner of Labour Circle-I, Ranga Reddy District, T. Anjaiah Karmika Sankshema Bhavan, RTC S Road, Hyderabad
2 Sampangi Buddaiah, S/o Narsaiah @ Narasimha, Saileelapuram (V), Khela Ghanpur (M). Mahabubnagar District.

.....RESPONDENT(S)

For the Appellant:MS.G.SUDHA

For the Respondent No.: GP FOR LABOUR

The Court made the following:

JUDGMENT:

(per the Hon'ble Sri Justice G.Bikshapathy)

1. This appeal is filed against the order passed by the learned Single Judge in WPMP NO.11985 of 2004 in W.P.NO. 9347 of 2004 dated 25th May 2004. The learned single Judge passed the following order:

"In the peculiar circumstances explained in the affidavit filed in support of the Writ Petition, the impugned order is suspended on condition that the petitioner deposits 50% of the awarded amount within a period of two weeks from today. On such deposit, the 2nd respondent/workman is entitled to withdraw the same without furnishing any security. In default of depositing of such amount, the stay granted by this court stands vacated automatically.

However, the petitioner is at liberty to file a regular appeal as available under Section 30 of the W.C. Act."

2 The learned counsel appearing for the appellant submits that giving permission to the workman to withdraw the amount without any security is illegal inasmuch as the accident has not taken place and the case was foisted

against the appellant-Management and therefore, she submits that in the event of success in the Writ Petition, the Management will not be in a position to recover the same and hence, she submits that proper protection may be given to the amount and appropriate orders may be passed to protect the amount deposited before the Commissioner for Workmen's Compensation.

3. We have gone through the order passed by the learned Single Judge. We do not find any ground to interfere with the order passed by the learned Single Judge.

4. Accordingly, the Writ Appeal is dismissed at the stage of admission itself. No costs.

DEPUTY REGISTRAR

Dated: 16.6.2004

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SECTION OFFICER

One fair copy to the Hon'ble Sri Justice G. Bikshapathy (for his Lordship's kind perusal)

To

1. The Commissioner for Workmen's Compensation Authority & Assistant Commissioner of Labour Circle-I, Ranga Reddy District, T. Anjaiah Karmika Sankshema Bhavan, RTC S Road, Hyderabad.
2. 2 CCs to G.P. for Labour, High Court Buildings, High Court of A.P., Hyderabad. (OUT)
3. 2 CDs.